

**REMARKS**

This Amendment addresses the issues outstanding from the final Office Action dated September 10, 2009. Applicants respectfully request favorable reconsideration of this application, as amended.

As a preliminary matter, Applicants wish to thank Examiner Tawfik for the courtesies extended to Applicants' representatives during the in-person interview on November 23, 2009. During the interview, Applicants' representatives distinguished patentably independent Claim 1 and proposed independent Claim 59 from the Leftault reference, with particular emphasis on the claimed "means for supporting" feature.<sup>1</sup>

By this Amendment, Claim 12 has been amended to depend from independent Claim 1. Claims 13-16, 19, 21, and 23-54, which were previously withdrawn as being directed to non-elected subject matter, have been cancelled without prejudice or disclaimer. New Claims 55-71 have been added. Claims 6-8, 11, 17, 18, 20, 22, 28, and 29 were previously cancelled without prejudice or disclaimer. Accordingly, Claims 1-5, 9, 10, 12, and 55-71 are pending, with Claims 1 and 59 being independent. New Claims 59-70 are similar to Claims 1-5, 9, 10, 12, and 55-58, respectively, but omit the word "rigid."

In the outstanding Office Action, Claims 1, 2, 9, 10, and 12<sup>2</sup> were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,836,398 to Leftault. Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Leftault.

---

<sup>1</sup> Applicants do not necessarily agree with the characterization of the means for supporting in the Interview Summary associated with the in-person interview on November 23, 2009.

<sup>2</sup> Applicants note that the features recited in Claim 12 were not specifically addressed in the Office Action. Furthermore, the applied references are not seen to teach or suggest the features of Claim 12. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 3 and 4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Leftault in view of Japanese Publication No. 63-189224 to Hiroaki.

Applicants respectfully traverse the rejections.

Claim 1 recites a system for processing a pre-formed plastic container filled with a hot product, comprising, *inter alia*, means for transporting through the production line the pre-formed plastic container having the projection extending from the rigid container body; and means for supporting, during the transporting, the rigid container body having the projection extending from the rigid container body.

Contrary to the Office Action's assertion, and as discussed during the in-person interview, Leftault fails to teach or suggest at least the foregoing features of Applicants' claimed invention.

For example, Leftault discloses a container 10 having an endwall 20 with a rim 28 and a panel portion 24 that extends below the rim. *See* Leftault, FIG. 1. Leftault further discloses subjecting the container to various processes as the container 10 moves along a conveyor 56. *See, e.g.,* Leftault, FIG. 7. In one process, Leftault discloses that the endwall 20 is reformed by moving the panel portion 24. *Id.* Prior to reforming, Leftault evidently discloses that the container is self-supporting. *Id.* Leftault further discloses that the container 10 can be supported during the reforming operation "in a tubular fixture which surrounds at least a portion of the sidewall 14 so as to hold the container stationary." *See* Leftault, col. 8, lines 7-11. However, using a fixture to support the container only during the reforming operation is not the same as Applicants' claimed means for supporting, which supports the container during the transporting of the container through the production line, including hot filling and capping the container, for

example. Accordingly, Leftault fails to teach or suggest the foregoing features of Claim 1.

Moreover, nothing in Leftault is the same as or equivalent to, under 35 U.S.C. § 112, sixth paragraph, the structure disclosed by Applicants' means for supporting the rigid container body having the projection extending therefrom. See, for example, Applicants' basket B in FIG. 5C, holder H in FIGs. 9, 12-14, and rail in FIG. 2. Aligning the containers 10 under a filling apparatus 58, as disclosed by Leftault at column 8, lines 55-59, for example, is not the same as or equivalent to Applicants' claimed means for supporting.

In view of the foregoing, Leftault fails to teach or suggest the foregoing features of Claim 1. Hiroaki, which was used as a secondary reference to reject Claims 3 and 4, fails to cure the above-noted deficiencies in Leftault. Accordingly, Claim 1 distinguishes patentably from Leftault and Hiroaki and is allowable.

Claims 2-5, 9, 10, 12, and 55-58 are allowable at least based on their dependence from Claim 1. Claim 12 also is allowable because its features were not specifically addressed in the outstanding Office Action and the applied references are not seen to teach or suggest the features recited therein.

In addition to being allowable based on their dependence from Claim 1, Claims 4 and 9 are allowable because Leftault and Hiroaki clearly fail to teach or suggest the respective features recited therein.

Claim 4 recites means for inverting the projection extending from the rigid container body into the interior of the rigid container body in the next operation of the production line after the parison is blow-molded; and means for repositioning the projection of the rigid container body with a force prior to the filling by said filling means

for filling so that the projection moves outside of the rigid container body and extends from the rigid container body. Applicants also note that independent Claim 1 recites “means for pushing the projection.” In contrast to Applicants’ claim, Hiroaki, for example, shows a container with a bottom part extending from the container, where the bottom part is “reversely deformed,” and Leftault discloses forming an endwall of a container. Notably lacking in either Leftault or Hiroaki is a means for repositioning the projection of the rigid container body with a force prior to the filling by said filling means for filling so that the projection moves outside of the rigid container body and extends from the rigid container body, as particularly recited in Claim 4.

Claim 9 recites that the means for pushing the projection extending from the cooled rigid container body into the interior of the rigid container body is configured to position an actuator panel with projections extending therefrom underneath a container holding device where the projections of the actuator panel correspond with container body projections through a respective opening of the container holding device; and means for moving the actuator panel so that the actuator panel projections push against the container body projections thereby forcing the container body projections inside respective rigid container bodies. Clearly neither Leftault nor Hiroaki teaches or suggests the foregoing features.

Additionally, Applicants traverse the Examiner’s Official Notice findings with respect to Claims 3-5 and assert that the features of the foregoing dependent claims, when taken in appropriate context, are neither old, well known, nor of common knowledge. Specifically, the Office’s findings with respect to Official Notice are improper and/or deficient because such findings apparently fail to take into consideration either the

features of the base claim (or intervening claim) from which these claims depend or the reference applied in the rejection of the base claim.

For example, Claim 5 recites that the rigid container body with the projection extending from the rigid container body is conveyed by its neck during the filling and capping. Leftault, the base reference, discloses conveying a container 10 on a conveyor 56. *See* Leftault, FIG. 7. Conveying Leftault's container 10, which is already conveyed by a conveyor, by a neck as in Applicants' Claim 5 (assuming *arguendo* that Leftault's container has a neck), is not capable of instant and unquestionable demonstration as to defy dispute. Nor is such feature anticipated or obvious. Accordingly, Official Notice is improper.

In that Applicants have adequately traversed the Office's Official Notice findings by specifically pointing out the errors, Applicants respectfully call for the Office to provide documentary evidence in the next Office Action to satisfy the substantial evidence test, should the Office intend to maintain such findings.

New Claims 55-58 have been added and are allowable, in addition to being dependent from Claim 1, based on the respective features recited therein.

Claim 55 recites that during the transporting, said means for supporting does not support the plastic container by the projection. Claim 56 recites that said means for supporting supports the rigid container body having the projection extending therefrom by a standing surface thereof, the standing surface being distinct from the projection. Claim 57, dependent from Claim 56, recites that said means for supporting supports the rigid container body having the projection extending therefrom by the standing surface thereof prior to said means for pushing pushing the projection into the interior of the rigid

container body. Claim 58 recites that during the transporting a portion of the projection extends from the rigid container body below a standing ring.

Finally, as new Claims 59-70 are similar to Claims 1-5, 9, 10, 12, and 55-58, respectively, but omit the word "rigid," they too, are allowable, at least for reasons similar to those discussed above for Claims 1, 2-5, 9, 10, 12, and 55-58. New Claim 71 is allowable at least based on its dependence from Claim 59.

In view of the foregoing, Applicants' respectfully request withdrawal of the rejections and passage of this application to issuance.

A prompt Notice of Allowance is respectfully solicited.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (T4289FP-13495US01) any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

Date: November 23, 2009

Miles & Stockbridge, P.C.  
1751 Pinnacle Drive  
Suite 500  
McLean, Virginia 22102-3833  
(703) 610-8651

By: 

James T. Carmichael  
Reg. No. 45,306

Patrick L. Miller  
Reg. No. 57,502